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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,158	11/26/2003	Joseph P. Catapano	1273-2	9239

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DILWORTH & BARRESE, LLP
333 EARLE OVINGTON BLVD.
UNIONDALE, NY 11553

EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,158

Applicant(s)

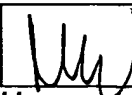
CATAPANO, JOSEPH P.

Examiner

Steven M Marsh

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11262003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first office action for U.S. Application 10/723,158 for a Cable Holder filed by Joseph P. Catapano on November 26, 2003.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, Applicant claims that inner and outer hangers are coupled to each other in two different positions. While it may be possible to couple the hangers in one position and then modify them to be coupled in another position, the hangers cannot be couple in a deployed position and an installation position at the same time, which is what Applicant appears to be claiming. The claim is being examined as if the claim is claiming hangers capable of being adjusted from the deployed position to the installation position.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,443,232 to Kesinger et al. Kesinger et al. discloses a cable holder with inner and outer hangers (12 and 14) each having a respective axis of symmetry and displaceably coupled to one another between a first deployed position, in which the axes of symmetry of the inner and outer hangers are aligned, and an installation position, in which the axes of symmetry are offset. The inner and outer hangers each have a respective body shaped and dimensioned to receive and secure a respective elongated object upon displacing the inner and outer hangers from the installation position to the deployed position, in which the elongated objects extend parallel to one another.

The body of the inner hanger has a substantially C-shape, defining a pair of arms, which are spaced equidistantly from the axis of symmetry of the inner hanger in opposite lateral directions and are biased outwards from one another to define therebetween a space configured to receive the respective elongated object. The C-shaped body of the inner hanger has a U-shaped recessed region spaced midway between the pair of arms and extending perpendicular to the axis of symmetry of the inner hanger so that the U-shaped recessed region interrupts a continuous curvature of the C-shaped body to allow the pair of arms to flex upon applying a compressive force thereto relative to the U-shaped recessed region. The cable holder is secured by displacing the outer hanger and inner hanger relative to one another so that the symmetry of axes of the inner hanger is offset from the outer hanger, applying a force to

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the inner hanger (inserting the cable) and rotating the inner hanger and outer hanger relative to one another.

Claims 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,721,412 to Kindorf. Kindorf discloses a cable holder with inner (20) and outer (1) hangers each having a respective axis of symmetry and displaceably coupled to one another between a deployed position, in which the axes are aligned, and an installation position, wherein the axes are offset. The bodies of the hangers are shaped and dimensioned to receive and secure a respective elongated object in the deployed position and the inner and outer hangers are slidably coupled to and linearly displaceable relative to one another in a plane extending parallel to the longitudinal direction of the elongated objects. There is a recess (between 2 and 3) that slidably receives a flange (26), which is provided on the other one of the inner and outer hangers, so that the inner and outer hangers slide relative to one another. Kindorf also discloses a method of securing a cable holding comprising the steps of displacing the outer hanger (1) and inner hanger (20) relative to one another so that the symmetry axes of the inner hanger and outer hanger are offset from one another (the inner hanger is slid into the outer hanger), applying a force to the inner hanger, thereby engaging the inner hanger with the support (10) upon inserting a respective one of the elongated objects.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kesinger et al. in view of the prior art cited by Applicant. Kesinger fails to disclose an inner hanger with spaced apart hook portions defining therebetween a finger, and a respective locking barb extending laterally outwards from each finger. The prior art cited by Applicant in Figures 1 and 2 of the specification, shows an inner hanger with a pair of arms that are recessed to have a respective pair of spaced apart hook portions (see 114 and 116) defining therebetween a finger. The fingers have a respective locking barb extending laterally outwards and configured to lock against the rim of the aperture of a support. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized a clamp with the configuration of the clamp taught by the prior art cited by Applicant, in place of the clamp taught by Kesinger, for the purpose of providing a clamp capable of being fixed to an additional support.

Allowable Subject Matter

Claims 7-15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the

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limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art does not disclose: A cable holder for installing a plurality of elongated objects, comprising inner and outer hangers each having a respective axis of symmetry and displaceably coupled to one another between a deployed position, in which the axes of symmetry of the inner and outer hangers are aligned, and an installation position, in which the axes of symmetry of the inner and outer hangers are offset; wherein the inner and outer hangers each have a respective body shaped and dimensioned to receive and secure a respective elongated object upon displacing the inner and outer hangers from the installation position to the deployed position, in which the elongated objects extend parallel to one another; wherein the body of the inner hanger has a substantially C-shape defining a pair of arms, which are spaced equidistantly from the axis of symmetry of the inner hanger in opposite later directions and are biased outwards from one another to define a space configured to receive the elongated object; wherein the C-shaped body has a U-shaped recessed region spaced midway between the pair of arms and extending perpendicular to the axis of symmetry of the inner hangers so that the U-shaped recessed region interrupts a continuous curvature of the C-shaped body to allow the pair of arms to flex upon applying a compressive force thereto relative to the U-shaped recessed region; and further comprising a pair of spaced apart pins straddling the axis of symmetry of the inner hanger and extending parallel thereto through the U-shaped recessed region, one of the pins extending through and coupled to the outer hanger so

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that the inner and outer hangers are rotatable relative to one another between the deployed and installation positions.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,493,468 to Roach

U.S. Patent 2,375,513 to Bach

U.S. Patent 6,622,976 B1 to Ianello

U.S. Patent 3,866,871 to Dupuy, Sr.

U.S. Patent 3,463,428 to Kindorf et al.

U.S. Patent 6,443,402 B1 to Ferrill et al.

U.S. Patent 5,971,329 to Hickey

U.S. Patent 6,257,530 B1 to Tsai

U.S. Patent 5,984,243 to Pfaller et al.

The above patents disclose pipe or conduit holding apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

S.M.

Steven M. Marsh

December 8, 2004

ANITA KING
PRIM

Anita M. King
ANITA KING
PRIMARY EXAMINER